

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**TERRY J. TIFFEE,**

Plaintiff,

vs.

Case No. 17-CIV-404-RAW-SPS

**NANCY A. BERRYHILL,** Acting  
Commissioner of the Social Security  
Administration,

Defendant.

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**ORDER**

Before the court is the Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act [Docket No. 23]. On July 9, 2018, this court rendered a final judgment remanding the Plaintiff's case for further proceedings. The Defendant has no objection to the request for attorney fees [Docket No. 24].

Therefore, it is the Order of the court that the Plaintiff be GRANTED reasonable attorney's fees in the amount of **\$3,427.80** for services rendered pursuant to 28 U.S.C. §2412(a) and (d). If Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b), counsel must refund the smaller of the EAJA or the 406(b) award that is received to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Ordered this 18th day of October, 2018.



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**RONALD A. WHITE**  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA